

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDWARD F. HAAS,

Plaintiff,

v.

CARLOS M. GUTIERREZ et al.,

Defendants.
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07 Civ. 3623 (GBD)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Declaration of Melissa J. Lieberman dated October 25, 2007, and the accompanying memorandum of law, defendants Carlos M. Gutierrez, Secretary of Commerce; James M. Turner, Acting Director of the National Institute of Standards and Technology (“NIST”);¹ and NIST employees Shyam Sunder, Therese McAllister, and Catherine Fletcher (collectively, the “government”) will move this Court before the Honorable George B. Daniels, United States District Judge, United States Courthouse, 500 Pearl Street, New York, New York, for an order dismissing the complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), and for such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), plaintiff’s opposition to the government’s motion must be served within ten business days of service of this motion, and the government’s reply must be served within five business days after service of plaintiff’s answering papers.

¹ Pursuant to Fed. R. Civ. P. 25(d), NIST Acting Director James M. Turner is automatically substituted in this action for his predecessor William A. Jeffrey.

Dated: New York, New York
October 26, 2007

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendant

By: /s/ Benjamin H. Torrance
BENJAMIN H. TORRANCE
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Telephone: 212.637.2703
Fax: 212.637.2702
E-mail: benjamin.torrance@usdoj.gov